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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

OMAR QAZI,
Defendant.

Case No. 2:15-cr-00014-APG-VCF

ORDER

MOTION TO REOPEN THE REQUEST FOR
EVIDENTIARY HEARING (ECF No. 342)

This matter involves the United States' prosecution of *pro se* Defendant Omar Qazi under 18 U.S.C. §§ 922(g)(1), 924(a)(2). Before the Court is Qazi's Motion to Reopen the Request for Evidentiary Hearing to Second Motion to Suppress (EC No. 342), the Government's response (ECF No. 348), and Qazi's reply (ECF No. 354). For the reasons stated below, Qazi's motion is denied.

The Court's ruling on a portion of Qazi's second motion to suppress is now before the 9th Circuit Court of Appeals. On June 13, 2016, the Court ordered further briefing on the *Miranda* issue raised in Qazi's second motion to suppress. (ECF No. 184). On June 30, 2016, Qazi not only filed a supplement (ECF No. 191), Qazi also filed a "new"¹ Motion to Suppress Statement Due to Insufficient Miranda Warnings (ECF No. 192). The Court filed an order (ECF No. 281) addressing the supplement and "new" motion to suppress, which is now on appeal (ECF. No. 282).

"The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved

¹ The Court notes the issues in ECF No. 192 were first raised in ECF No. 153, a supplement to Qazi's second motion to suppress filed in March 2016.

1 in the appeal.” *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982). Though the order on
2 appeal in this case addresses a motion (ECF No. 192) that Qazi filed after his second motion to suppress
3 (ECF No. 129), this later motion was filed as a supplement to Qazi’s second motion to suppress. To avoid
4 “the confusion and waste of time that might flow from putting the same issues before two courts at the
5 same time,” *Kern Oil & Refining Co. v. Tenneco Oil Co.*, 840 F.2d 730, 734 (9th Cir.1988), this Court
6 finds it is divested of jurisdiction over the issues arising from Qazi’s second motion to suppress and its
7 supplemental briefings and motion.

8 ACCORDINGLY, and for good cause shown,

9 IT IS ORDERED that Qazi’s Motion to Reopen the Request for Evidentiary Hearing to Second
10 Motion to Suppress (ECF No. 342) is DENIED.

11 IT IS SO ORDERED.

12 DATED this 19th day of September, 2017.

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17 CAM FERENBACH
18 UNITED STATES MAGISTRATE JUDGE
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